

Search Notes

09/757,951

Date 5/7/02

SRNT

considered

	L #	Hits	Search Text	DBs
1	L1	13	reconcil\$6 adj3 node	USPAT
2	L2	1437	transaction with report	USPAT
3	L3	1	1 and 2	USPAT
4	L4	10	1 and report	USPAT
5	L5	1222	transaction with identifier	USPAT
6	L6	177	2 and 5	USPAT
7	L7	745	second adj3 report	USPAT
8	L8	4	6 and 7	USPAT
9	L9	89	6 and credit and account	USPAT
10	L10	81	pay\$7 and 9	USPAT
11	L11	77	10 and compar\$7	USPAT
12	L12	49	11 and reconcil\$5	USPAT

considered

Office Action Summary

Application No.
09/055,068

Applicant(s)

Nuttall

Examiner
Demetra R. Smith

Group Art Unit
2764



☐ Responsive to communication(s) filed on _____

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-6, 9, and 10 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6, 9, and 10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Part III DETAILED ACTION

Response to Amendment

1. This office action is responsive to the amendment filed on 10/12/99. Claims 1 and 9 have been amended. Claims 1-6, and 9-10 are pending.

Response to Arguments

2. Applicant's arguments filed 10/12/99 have been fully considered but they are not persuasive.

First, applicant argued that Stefik (5,715,403) does not disclose, teach, or suggest "a first request . . . for notifying an authorizing node."

In response to applicant's argument, Stefik discloses during the course of operation, the repository may communicate with a plurality of other repositories, namely authorization repository, rendering repository, and master repository. Communication with an authorization repository may occur when a digital work being accessed has a condition requiring an authorization. (See col. 7, lines 62-67; see col. 8, lines 1-3).

In conclusion, examiner's interpretation of the disclosure in Stefik is that the communication with the authorization repository is simply a notification to the authorization repository when a digital work is request for access.

Second, applicant argued that Stefik ('403) does not disclose, teach, or suggest provision of a "receiving a permit from the authorizing node in response to notification from the content providing node."

In response to applicant's argument, Stefik discloses an authorization is a digital certificate such that possession of the certificate is required to gain access to the digital work. An authorization is itself a digital work that can be moved between repositories and subjected to fees and usage rights conditions. An authorization may be required by both repositories involved in an access to a digital work (See col. 8, lines 3-9).

In conclusion, examiner's interpretation of Stefik's disclosure is that the issuance of the digital certificate is simply permission for gaining access to the digital work. Therefore, a permit is received in response to authorization repository.

Third, applicant argues that Stefik does not disclose, teach, or suggest "transmitting to the event reporting node a first report in response to receiving the permit and a second report in response to receiving data corresponding to the file identifier."

In response to applicant's arguments, Stefik discloses if the digital certificate cannot be found in the digital work or the master repository which generated the certificate is not known to the repository receiving the software, then the software cannot be installed. (See col. 13, lines 47-50). When a sending repository transmits a message to a receiving repository, the sending repository encrypts all of its data using the public writing key of the receiving repository. The sending repository includes its name, the name of the receiving repository, a session identifier

such as a nonce, and a message counter in each message (see col. 27, lines 16-21). Upon receiving the registration message, repository-2 determines if it has the needed public key for the master repository. If repository-2 does not have the needed public key to decrypt the identification certificate, the registration transaction terminates in error. Repository-2 saves the encrypted registration identifier and extracts the repository identifier. The extracted repository identifier is checked against a "hotlist" of compromised document repositories, each repository will contain "hotlists" of compromised repositories. If the repository is on the "hotlist", the registration transaction terminates in an error. (See col. 28, lines 3-17). Upon receipt, repository-1 generates its own time base for the financial records of their mutual transactions. Repository-2 initiates clock synchronization by generating a time stamp exchange message and transmits it to repository-1. (See col. 29, lines 27-29). The server enters a data transmit state and transmits a block of data and then enters a wait for acknowledgment state. As the data is received, the requester enters a data receive state and when the data blocks is completely received it enters an acknowledgment state and transmits an Acknowledgment message to the server (see col. 33, lines 22-28). The server could use an additional level of encryption when transmitting a work to a client. Only after the client sends a message acknowledging receipt does it send the key. The client then agrees to pay for the digital work. The point of this variation is that it provides a clear audit trail that the client received the work (see col. 34, lines 2-35).

In conclusion, examiner's interpretation of Stefik's disclosure is that the generation of the time base for the financial records of the mutual transaction between repository-1 and repository-

2 by generating a time stamp exchange message and transmits it to repository-2 is a report response to receiving permission from the authorization repository. In addition, Stefik disclosure of transmitting an acknowledgment message to the server is interpreted as a second report in response to receiving the data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-6, 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefik (5,715,403) (hereinafter "Stefik").

As to claims 1, 2 and 9, Stefik discloses:

when in the server mode, the repository will be receiving and processing access requests to digital works. When in the requester mode, the repository will be initiating requests to access digital works....During the course of operation, the repository may communicate with a plurality of other repositories, namely authorization repository, rendering repository and master repository (see col. 7, lines 57-65); communication with an authorization repository may occur when a

digital work being accessed has a condition requiring an authorization. Conceptually, an authorization is a digital certification such that possession of the certificate is required to gain access to the digital work (see col. 8, lines 1-5; see col. 7, lines 62-67);

a master repository plays the role of an authorization agent to enable repositories to receive digital works (see col. 14, lines 4-6);

a usage right can specify an authorization-ID, which identifies an authorization object (a digital work in a file of a standard format) that the repository must have and which it must process (see col. 41, lines 52-55);

the file information for a digital work is divided into two files; a "contents" file and a "description tree" file (see col. 33-38); the requester sends the server a message to initiate a Directory transaction. The message indicates the file or folder that is the root of the directory request and the version of the directory right used for the transaction (see col. 39, lines 21-24);

upon receiving the usage request, the server generates a transaction identifier that is used in records or reports of the transaction. The server then checks whether the digital works has been granted the right correspond to the requested transaction (see col. 31, lines 26-30);

Upon receipt, repository-1 generates its own time base for the financial records of their mutual transactions. Repository-2 initiates clock synchronization by generating a time stamp exchange message and transmits it to repository-1. (See col. 29, lines 27-29);

the server enters a data transmit state and transmit a block of data and then enters await for acknowledgment state. As the data is received, the requesters enters a data receive state and

when the data blocks is completely received it enters an acknowledgment state and transmits and Acknowledgment message to the server. The server enters a data transmit state and transmits a block of data and then enters a wait for acknowledgment state. As the data is received, the requesters enters a data receive state and when the data blocks is completely received it enters an acknowledgment state and transmits an Acknowledgment message to the server (see col. 33, lines 16-28).

As to claim 2, Stefik discloses the server waits until receiving an Acknowledgment message from the requester, it sends the next block to the requester and again waits for acknowledgment. The requester also repeats the same cycle of states (see col. 33, lines 29-34).

As to claim 3, Stefik discloses it is often desirable to assign a start date or specify some duration as to when a right may be exercised (see col. 21, lines 50-51); some rights may be exercised during a fixed and predetermined duration (see col. 21, lines 57-58); a loan transaction is a mechanism for loaning copies of a digital work. The maximum duration of the loan is determined by an internal parameter of the digital work (see col. 35, lines 33-35).

As to claim 4, Stefik discloses various functions in the operation of the repository such as decryption and/or decompression of digital works and transaction message are also performed by the processor (see col. 14, lines 26-29); the server retrieves the key from the restoration file. It decrypts the work contents, data, and usage rights (see col. 38, lines 46-47).

Art Unit: 2764

As to claim 5, Stefik discloses a usage right can specify an authorization-ID, which identifies an authorization object that the repository must have and which it must process (see col. 41, lines 52-55).

As to claim 6, Stefik discloses a processor identifier can be included to specify what kind of process is allowed. If no process identifier is specified, the arbitrary processors can be used (see col. 41, lines 37-40); the authorization contains a server identifier, which may just be the generic authorization server or it may be another server (see col. 41, lines 58-60).

As to claim 10, Stefik discloses an authorization object referenced by an Authorization-ID can contain digital address information to be used to set up a communications link between a repository and the authorization source (see col. 23, lines 6-10); repository-2 then compares the received nonce to the original nonce. If they are not identical, the registration transaction terminate in an error (see col. 28, lines 61-65).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Notice of Allowability

Application No.
09/055,068

Applicant(s)

Nuttall

Examiner
Demetra R. Smith

Group Art Unit
2763



claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed due course.

This communication is responsive to 06/05/00

The allowed claim(s) is/are 1-6 and 9-23

The drawings filed on _____ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE ~~THREE MONTHS~~ FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 13

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

[Handwritten signature]
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SEP 11 2000
PTO-152

Part III DETAILED ACTION

Response to Amendment

This office action is responsive to the amendment filed on 6/5/00. Claims 1, 4, and 9 have been amended. Claims 11-23 have been added. Claims 1-6, 9-23 are pending.

Information Disclosure Statement

1. The prior art submitted on 03/02/00 has been considered as indicated on the enclosed copies of form PTO-1449

Allowable Subject Matter

2. Claims 1-6, 9-23 are allowed.
3. The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art does not show separately or in combination the limitations of a method for transferring data from a content providing node to a content requesting node, the method at the content requesting node comprising: transmitting a first request to the content providing node, the first request for notifying an authorizing node; receiving a permit from the authorizing node in response to notification from the content providing node, receiving from the authorizing node being accomplished without action by the content providing node after the permit is prepared.

Serial Number: 09/055,068

Art Unit: 2763

3

As to claim 9, the prior art does not show separately or in combination the limitations of a system having a data storage device having indicia of a method for managing access to a digital work, the method for execution by a first computer system, the method comprising: transmitting via a network a first request for the digital work to a second computer system, the first request for notifying a third computer system; receiving via the network a permit from the third computer system, the permit sent in response to notification from the second computer system, receiving from the third computer system being accomplished without action by the second computer system after the permit is prepared.

As to claim 13, the prior art does not show separately or in combination the limitations of a method for transferring data from a content providing node to a content requesting node, the method at the content requesting node comprising: transmitting a first request to the content providing node, the first request for notifying an authorizing node; receiving a permit from the authorizing node in response to notification from the content providing node, receiving from the authorizing node being accomplished without action by the content providing node after the permit is prepared.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2763

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ronning (5,907,617) discloses a computer-based system that is provided for demonstrating software programs to a potential purchaser and for gathering marketing information related to the demonstration of the programs.

Erickson (5,765,152) discloses copyrighted electronic media that is packaged in a secure electronic format, and registered on associated registration server, which serves to provide on-line licensing and copyright management for that media.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Demetra R. Smith**, whose telephone number is (703) 308-6989. The examiner can normally be reached on Tuesday-Friday from 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, **Kevin Teska**, can be reached at (703) 305-9704. Additionally, the fax phone for Art Unit 2764 is (703) 308-9051 or 308-9052, (for formal communications intended for entry), or (703) 308-5397 (for informal or draft communications, please label "PROPOSED" OR "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Demetra.Smith@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.

Office Action Summary

Application No.

09/055,068

Applicant(s)

Nuttal

Examiner

Demetra R. Smith

Group Art Unit

2764

☒ Responsive to communication(s) filed on Apr 3, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 10 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-10 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jul 23, 1998 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 6/23/98. These drawings are acceptable.

Election/Restriction

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, and 9-10, drawn to transferring data, classified in class 705, subclass 44.
 - II. Claims 7-8, drawn to transferring data that provides pay-per-use, classified in class 705, subclass 26.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as transmitting and receiving data after receiving an authorization. In the instant case, invention II has separate utility such as providing a pay-per-use accounting for the payee in response the transferring data. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. A telephone call was made to William Bachand (34, 980) on 4/16/99 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Demetra R. Smith**, whose telephone number is (703) 308-6989. The examiner can normally be reached on Tuesday-Friday from 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, **James P. Trammell**, can be reached at (703) 305-9768. Additionally, the fax phone for Art Unit 2764 is (703) 308-9051 or 308-9052, (for formal communications intended for entry), or (703) 308-5397 (for informal or draft communications, please label "PROPOSED" OR "DRAFT").

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Demetra.Smith@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Office Action Summary

Application No.
09/055,068

Applicant

Nuttal

Examiner

Demetra R. Smith

Group Art Unit
2764

Responsive to communication(s) filed on Jun 1, 1999 (amendment)

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6, 9, and 10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6, 9, and 10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

Response to Amendment

1. This office action is responsive to the amendment filed 6/1/99. Claims 7 and 8 have been canceled. Claims 9 and 10 have been added. Claims 1-6, 9-10 are pending.

Information Disclosure Statement

2. The prior art submitted on 04/03/98 has been considered as indicated on the enclosed copies of form PTO-1449

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-6, 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefik (5,715,403) (hereinafter "Stefik").

As to claims 1 and 2, Stefik discloses:

when in the server mode, the repository will be receiving and processing access requests to digital works. When in the requester mode, the repository will be initiating requests to access

digital works....During the course of operation, the repository may communicate with a plurality of other repositories, namely authorization repository, rendering repository and master repository (see col. 7, lines 57-65); communication with an authorization repository may occur when a digital work being accessed has a condition requiring an authorization. Conceptually, an authorization is a digital certification such that possession of the certificate is required to gain access tot he digital work (see col. 8, lines 1-5);

a master repository plays the role of an authorization agent to enable repositories to receive digital works (see col. 14, lines 4-6);

a usage right can specify an authorization-ID, which identifies an authorization object (a digital work in a file of a standard format) that the repository must have and which it must process (see col. 41, lines 52-55);

the file information for a digital work is divided into two files; a "contents" file and a "description tree" file (see col. 33-38); the requester sends the server a message to initiate a Directory transaction. The message indicates the file or folder that is the root of the directory request and the version of the directory right used for the transaction (see col. 39, lines 21-24);

upon receiving the usage request, the server generates a transaction identifier that is used in records or reports of the transaction. The server then checks whether the digital works has been granted the right correspond tot he requested transaction (see col. 31, lines 26-30);

the server enters a data transmit state and transmit a block of data and then enters await for acknowledgment state. As the data is received, the requesters enters a data receive state and

when the data blocks is completely received it enters an acknowledgment state and transmits and Acknowledgment message to the server (see col. 33, lines 16-21).

As to claim 2, Stefik discloses the server waits until receiving an Acknowledgment message from the requester, it sends the next block to the requester and again waits for acknowledgment. The requester also repeats the same cycle of states (see col. 33, lines 29-34).

As to claim 3, Stefik discloses it is often desirable to assign a start date or specify some duration as to when a right may be exercised (see col. 21, lines 50-51); some rights may be exercised during a fixed and predetermined duration (see col. 21, lines 57-58); a loan transaction is a mechanism for loaning copies of a digital work. The maximum duration of the loan is determined by an internal parameter of the digital work (see col. 35, lines 33-35).

As to claim 4, Stefik discloses various functions in the operation of the repository such as decryption and/or decompression of digital works and transaction message are also performed by the processor (see col. 14, lines 26-29); the server retrieves the key from the restoration file. It decrypts the work contents, data, and usage rights (see col. 38, lines 46-47).

As to claim 5, Stefik discloses a usage right can specify an authorization-ID, which identifies an authorization object that the repository must have and which it must process (see col. 41, lines 52-55).

As to claim 6, Stefik discloses a processor identifier can be included to specify what kind of process is allowed. If no process identifier is specified, the arbitrary processors can be used

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(see col. 41, lines 37-40); the authorization contains a server identifier, which may just be the generic authorization server or it may be another server (see col. 41, lines 58-60).

As to claim 10, Stefik discloses an authorization object referenced by an Authorization-ID can contain digital address information to be used to set up a communications link between a repository and the authorization source (see col. 23, lines 6-10); repository-2 then compares the received nonce to the original nonce. If they are not identical, the registration transaction terminate in an error (see col. 28, lines 61-65).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shear (5,050,213) discloses a "return on investment" digital database usage metering, billing, and security system includes a hardware device which is plugged into a computer system bus and a software program system resident in the hardware device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Demetra R. Smith**, whose telephone number is (703) **308-6989**. The examiner can normally be reached on Tuesday-Friday from 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, **James P. Trammell**, can be reached at (703) **305-9768**. Additionally, the fax phone for Art Unit 2764 is (703) **308-9051 or 308-9052**, (for formal communications intended for entry), or (703) **308-5397** (for informal or draft communications, please label "PROPOSED" OR "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).